

**Response**

Applicant: Ramin Samadani et al.

Serial No.: 10/601,809

Filed: June 24, 2003

Docket No.: 100111573-1

Title: SYSTEM AND METHOD FOR CAPTURING MEDIA

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**REMARKS**

The following remarks are made in response to the Office Action mailed July 3, 2008. Claims 1-36 were rejected. Claims 1-36 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 102**

Claims 1-36 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,986,655 (Chui).

Applicant respectfully notes that Chui is incorporated by reference in its entirety in the present application. Paragraph [0002].

Claim 1 recites, *inter alia*:

producing audio data with each separate input device;  
processing the audio data to identify a portion of audio data  
having a first audio characteristic; and  
storing an audio record for each identified portion of audio  
data, wherein each audio record is associated with temporal data  
used in determining a sequence of the identified portion of audio  
data in relation to other identified portions of audio data from other  
separate input devices, and wherein each audio record is associated  
with identity data representing identifying characteristics for the  
identified portion of audio data.

Applicants respectfully submit that Chui does not teach or suggest the above combination of features of claim 1.

The Office Action broadly cites Figs. 1-7A, column 4, line 56 to column 9, line 40, and col. 2, line 17-38 (i.e., a portion of the “Description of Related Art” section) of Chui as a teaching or suggestion of the above features of claim 1. The Office Action does not include any explanation as to how the teachings of Chui anticipate the above features of claim 1 as required by 37 C.F.R §1.104(c)(2).

For example, the Office Action does explain how Chui teaches or suggests “producing audio data with each separate input device” as recited in claim 1. In Figure 1, Chui shows a single microphone 24. Given that claim 1 recites “[a] method for capturing media during a recording session *using a separate input device for each of plural audio sources*” (emphasis added), the Office Action makes no showing that Chui teaches or

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suggests “a separate input device for each of plural audio sources” as recited in claim 1.

Thus, the Office Action makes no showing that Chui teaches or suggests “producing audio data with each separate input device” as recited in claim 1.

In addition, the Office Action does explain how Chui teaches or suggests “processing the audio data to identify a portion of audio data having a first audio characteristic” as recited in claim 1. The Office Action does not include any explanation as to how Chui teaches or suggests this feature of claim 1.

Further, the Office Action does explain how Chui teaches or suggests “storing an audio record for each identified portion of audio data, wherein each audio record is associated with temporal data used in determining a sequence of the identified portion of audio data in relation to other identified portions of audio data from other separate input devices, and wherein each audio record is associated with identity data representing identifying characteristics for the identified portion of audio data” as recited in claim 1. The Office Action does not include any explanation as to how Chui teaches or suggests these features of claim 1.

Still further, the Office Action does not explain how the citation to the “Description of Related Art” section of Chui indicates a teaching or suggestion of the above features of claim 1.

If the Examiner wishes to sustain the rejection of claim 1 as being anticipated by Chui, Applicant respectfully requests compliance with 37 C.F.R §1.104(c)(2) which states, in pertinent part, that:

[i]n rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified. (Emphasis added.)

Applicants respectfully request that the rejection of claim 1 and claims 2-20 which depend from claim 1 under 35 U.S.C. §102(b) be withdrawn.

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Applicants also respectfully request that the rejection of claim 21 and claims 22-36 which depend from claim 21 under 35 U.S.C. §102(b) be withdrawn for reasons analogous to those given above for claim 1.

**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-36 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-36 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application. Any inquiry regarding this Response should be directed to either Eileen Lehmann at Telephone No. (541) 715-3487, Facsimile No. (541) 715-8581 or Christopher P. Kosh at Telephone No. (512) 241-2403, Facsimile No. (512) 241-2409. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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/Christopher P. Kosh/Date: October 3, 2008

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